

From: Gregg Givens
To: Microsoft ATR
Date: 12/7/01 11:16am
Subject: Sorry, my last message was corrupted. MSG re: Microsoft AntiTrust Settlement

I previously sent a message that was truncated. Here is my message in its entirety. I am attaching it as a Rich Text Document viewable in most all Word Processors.

I appreciate your consideration of my comments.

--- Gregg Givens
ggivens@hollins.edu
Computer Services - Hollins University

CC: ggivens@hollins.edu@inetgw

To Whom it may concern:

Following are my opinions about the recent decision to weaken the remedy imposed on Microsoft after a FINDING OF FACT that they violated the Corporate Anti-Trust laws.

I contend that nothing short of a breakup of Microsoft between their Operating Systems (OS) and Applications Software divisions into two separate companies will remedy their anti-competitive practices. I am one of the many technically trained people that would like more choice in the marketplace in Computer software and don't have any faith left that your remedy will provide it.

Thesis: Microsoft should be split into two companies. The OS division should have to compete on its OWN merits. Likewise, the MS Applications Division's programs need to compete without unfair advantage.

Support:

Having a company OWN 90% of the Desktop OS market and still being allowed to compete in the Applications programs business is like having a Car company OWN 90% of the roads in the country and being able to suddenly modify the size and shape of these roads to suit their new car designs, without giving other car makers adequate specifications in a timely manner and being able to hide hazards in the roads that only the Microsoft cars can avoid. This is a crude analogy, but is similar to the situation Applications and OS designers face when competing with Microsoft in the Desktop computer arena.

I know you are lawyers and know very little about the history of computers, but let me try to remind you of things your own experts should be telling you.

Operating Systems were invented so that every Applications software programmer would not have to 'reinvent the wheel' on every new program he(she) wrote. The OS was supposed to take care of the primitive tasks like disk file activity, printing, networking, screen updating, so that the Applications designer could concentrate on just his 'high -level' tasks and write a good program. OS's were supposed to have reliable, well-documented calls so that all applications could use them to perform the low-level tasks they needed.

When you have a company that writes the OS AND Applications, you have a simple case of conflict of interest. If an unscrupulous OS company wants its own applications programs to fair better in the marketplace than a competitor, then he might add a few secret calls so that his applications can do things more efficiently than his competitors. He might give out information on changes to the external interface of the OS at a late date so that his Applications people could get out a new working version before the competition. In that case, the old applications of the competitor WOULD NOT EVEN WORK with the new version of the OS. The customer would have to buy a new 'compatible' version of the competitor's software, which of course would not be ready yet. Gee, maybe the customer would buy the OS vendor's software to avoid the hassle ! He could also change the interface to the OS periodically without backward compatibility so that the customer would always have to keep upgrading his Applications, just to keep them working AT ALL, much less to fix the myriad bugs that he leaves in through carelessness and hurry.

Does any of this sound FAMILIAR ????

Now of course these sneaky practices can't really work well until a company has a

HUGE share of the OS marketplace. I think if you research the history of Microsoft, you will see that they weren't that bad in the old days when DOS was still fighting head to head against Apple and Unix. (In fact MS used to produce its own version of Unix called XENIX. After Windows came out, i guess they decided that it was too good of a competitor to Windows, so they dropped it to push Windows.)

Unfortunately, after they began to acquire more and more of the market share of desktop PC OS's, their arrogance grew as well as their bullying and unfair practices.

If a split-up remedy had been in place just 5 years ago, you can pretty much bet that Word Perfect would now be the dominant Office Application Suite, rather than MS Office. Ask your older, more experienced secretaries what they used to prefer 5-7 years ago, MS Word or Word Perfect ?

Likewise, Netscape had probably 80 -90 % of the Internet Browser market before Microsoft began to shove Internet Explorer in your face every time you start Windows. (Even if you install Netscape, Windows asks you if you REALLY want it to be your default browser EVERY TIME you start it. If you answer wrong, you get Internet Explorer as your default browser.) Now Internet Explorer has all but taken over. This alone was brazen use of the OS to promote a competing product.

How much market share did Novell have for many years because of a fast, efficient, well-designed product. They used to be in possession of at least 60-70% of the PC server market. Somewhere down the line, MS windows made it so painful to get all of the Novell Networking to operate properly with Windows, that companies began to switch. That is despite the fact that MS Windows Server is only now implementing POORLY, many features that existed in Novell 2 VERSIONS BACK ! Novell can deliver a significantly better performance on LESS powerful hardware than Microsoft. Does that sound like the marketplace picking the best product, or unfair collusion between OS division and Applications Division ? (Don't assume that Novell was poorly managed either. They successfully bested a number of less organized competitors in the shakedown of the eighties. Their training and certification program and support was a model for the industry.)

In another way Microsoft now uses the advantages it has gained in Applications to help its Operating System maintain its monopoly. Now that windows has helped MS Office Suite to destroy WordPerfect's and Lotus's dominance, MS can control what platforms now get MS Word and Office Suite. Since they are now so popular, MS only produces a version of MS Office that is always 1 feature set behind the Microsoft OS version for Apple. That pretty much guarantees that Apple remains alive (barely), but that it never becomes a true competitor to MS OS. MS doesn't offer Office suite for any other competing OS version. Gee, i wonder why ? Could it be that Bill Gates doesn't want a dominant OS player in the server market (Linux) to penetrate the Desktop arena ? Could he be afraid ? I would be willing to bet money that if we split up MS into two companies, there would be a Linux version of MS Office Suite within 6 months or less. It would be in the INTERESTS of the MS Applications division to do so. IT is NOT in the interests of the OS division --- hence the problem.

There is one last way that Microsoft misuses its power to try to gain unfair advantage in NEW areas. It will subtly alter existing standards of communication, web design, programming languages with 'extensions'. It will offer these 'extensions' in its versions of development software, going against Industry standards developed to insure interoperability. As its products take hold, other vendors must keep changing their own products (always one step behind).

An example of this is Microsoft Web page creation software. It has 'extensions' to HTML that, if used, will make Web pages only appear good and sometimes even FUNCTIONAL on

Internet Explorer. The same page viewed by netscape will appear corrupted or may produce errors. Have you ever seen Web pages that say 'This page best viewed using Internet Explorer v.xxx' ???

A similar attempt to hijack JAVA programming language resulted in a law suit from SUN for breach of contract.

Did you know that the current version of Microsoft media Player IMBEDDED in the new Windows XP OS will only play mp3 formatted media files in a less quality mode in order to make the new Microsoft Media format appear superior ?

Of course some versions (you know the ones with the 'extensions') of the MS media format are a CLOSED standard only playable on MS Media Player. To top this off, if you try to make another Media Player your preferred Media player in Windows XP (so that your MP3's sound good), it will interfere with the functioning of other Microsoft Applications bundled with the OS !!!

THIS PRACTICE IS GOING ON RIGHT NOW ! Windows XP was rushed into production to beat the

DOJ Law suit. Possession is nine tenths of the law as they say.

Personally, all this makes me sick. I would hope the USDOJ would be humiliated by the arrogance of Microsoft. Apparently MS does not take USDOJ very seriously.

My contention is that splitting the MS corporation will actually be GOOD FOR THE AMERICAN ECONOMY, contrary to Microsoft's scare tactics. Microsoft seems to make oblique remarks implying that what is good for Microsoft is good for the American economy, and that impeding Microsoft's advance would damage the economy. In fact the exact opposite is true.

Even though more efficient Operating systems such as Linux require less powerful hardware and might be less encouraging of the INTELS, AMDs, and other hardware vendors, the savings for EVERY OTHER COMPANY in America not having to buy new computers every 2 years might help the other 90% of the American companies to make a profit. How much American Corporate profit goes into the land fill every year when they have to scrap their old computers. With more fair competition, maybe more Applications program designers will be encouraged to write more applications --- even ones that compete directly with Microsoft's Application division. More competition in Applications and Operating systems might even make superior and MORE RELIABLE AND SECURE computer software, at a reasonable price. (I for one would look forward to days when the servers quit crashing periodically due to undocumented bugs in microsoft's OS. we have Linux and digital unix servers that have not had to be rebooted for most of a YEAR. We must boot our microsoft servers several times a month. I never even leave my MS windows 2000 desktop machine up for more than a day. I rarely if ever reboot my Linux desktop machine. Why do I keep Microsoft machines you ask ? Because our corporate execs DEMAND that we use Microsoft on the desktop. Not enough NON-MS OS applications available that the users are trained to use.)

You may not realize that there are many people who are dismayed by the incredibly weak response of the current administration to blatantly monopolistic practices by the Microsoft Corporation. Given the more vigorous legal efforts of the previous presidential administration, I don't feel it is completely out of line to question whether monetary influence during the presidential campaign could have something to do with the recent decision to abandon a bargaining position of strength against the Microsoft corporation, in favor of a settlement that is actually weaker than what was presented by Microsoft ITSELF prior to

the judicial finding of monopoly. At the very least, the current regime in the department of Justice has some explaining to do against the APPEARANCE of impropriety.

Excluding that issue, we have the result in the marketplace itself. In the past, Microsoft has demonstrated a history of making every effort to avoid any previous remedies that the court has attempted. Either they have ignored the remedy completely or they have complied in the most minimal and unsatisfactory way to adhere to the letter of the law and avoid the spirit. Since the initial attempts to curb their behavior, Microsoft has only succeeded in gaining more unfair leverage and destroying more of their competitors. Don't be fooled that this was only the activity of the market. I have already outlined many ways that MS uses its Desktop OS monopoly to boost market share of its applications. Now that its Office Suite of Applications is stronger (due to the unfair leverage of its OS), it can use the Applications to help the OS maintain its position of dominance in the desktop.

If the USDOJ expects that further litigation will not be fruitful in curbing MS's monopolistic practices that HURT the consumer AND THE ECONOMY, then perhaps other government agencies can attempt another avenue for the remedy. I have heard that the Federal Trade Commission may have jurisdiction and enforcement powers that could be brought into play. Does the BUSH2 administration have the guts and desire to seek real enforcement of powerful remedies for the monopoly finding of the courts? Are they too timid and fooled by Microsoft's scare tactics to attempt such a thing? At this time, NOTHING could hurt the economy worse than it is already. You might drive a few stocks like Microsoft and Intel down for a short while if a strong remedy is attempted, but the long term benefits of increased competition and more efficient use of hardware resources (caused by better written Operating Systems such as Linux) could only help the US economy in the long run. We'll end up stronger for it. Ask the europeans, japanese, and chinese why they are favoring Linux over MS windows. (They don't like being locked into a expensive,proprietary OS that hides all of its code so that they have no idea what it is doing, and an OS that has a voracious appetite for Hardware upgrades at every new version.

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Gregg Givens ---- Systems Analyst
Hollins University Computer Services
ggivens@hollins.edu